Prosecutors Still Want Jail Time For Eminem

Rapper's lawyer says chances '50-50' he'll accept plea bargain Wednesday, which won't necessarily mean he'll do time behind bars.
By archive-Norb-Franz
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Mount Clemens, Michigan — Prosecutors in Macomb County have offered to drop one of two felony charges against Eminem, but they still want jail time for the Grammy-nominated rapper.

One of Eminem's lawyers said Tuesday (February 13) that chances are "at least 50-50" that the controversial hip-hop artist may accept the proposed plea bargain when both sides appear in court Wednesday afternoon.

But accepting the plea agreement won't automatically mean Eminem, 28, will land behind bars soon — or at all. Any sentence would be up to Macomb County Circuit Court Visiting Judge Antonio Viviano.

Eminem, known to the legal system by his born name, Marshall Bruce Mathers III, is charged with pistol-whipping a man he allegedly saw his wife kissing outside a Warren, Michigan, bar June 4. Officials have offered to drop one count of assault with a dangerous weapon — a four-year felony — if Eminem pleads guilty to the more serious charge of carrying a concealed weapon, a five-year offense.

"The defense knows it's not a significant offer, but it's a way to settle the case before trial," Macomb County Prosecutor Carl Marlinga said.

If Eminem accepts the offer, the matter would then go to probation officials for a pre-sentence report. Under state sentencing guidelines, and based on the fact he had no prior criminal record, the nation's hottest rapper could face a sentence ranging from probation to 17 months in jail. Marlinga refused to specify what jail term he would seek, saying only that his office would request something in the "mid point" of that range.

"This is serious enough to warrant some jail time," he said.

"His request for jail time in and of itself does not mean [Eminem] is going to do jail time," the rapper's lawyer Brian Legghio said. "We have faith in Judge Viviano and the court system."

If Eminem accepts the prosecutor's offer Wednesday, he would be sentenced in approximately six weeks. If he doesn't like the pre-sentence recommendation by probation officials, he still could withdraw his plea, and the case would go to trial in six or seven months.

Clearly, his lawyers will choose the path they think will keep him out of jail — and free to tour and make more records. His latest CD, *The Marshall Mathers LP*, has sold 7.9 million copies in the United States and is nominated for the Grammy for Album of the Year.

Eminem's defense team asserts that prosecutors have singled out their famous client because of his music and lyrics. They maintain that most first-time offenders charged with carrying a concealed weapon, and who had no criminal record, typically receive probation or are allowed to plead to a misdemeanor.

Marlinga scoffed at notions that crosshairs are unfairly focused on Eminem, who resides in a gated community in Clinton Township, Michigan, approximately three miles from the county courthouse.

"We are taking pains to treat Mr. Mathers like anyone else in our criminal justice system, no worse or no better," he said.

Responding to media reports that Eminem recently admitted to a British concert audience that he clubbed a man with a pistol, Marlinga said officials might try to get a videotape of that performance. But he added that chances officials would use such evidence against Slim Shady in a trial are "slim and none."

The prosecutor himself admitted he's "uncomfortable" pursuing evidence that could fall under artistic license.

"This [remark] could've been tongue-in-cheek; this could have been part of the act," Marlinga said.

The man Eminem is accusing of striking, John Guerra, is suing him. But that lawsuit, which seeks at least $25,000 (the threshold for a monetary claim to be filed in Michigan's circuit courts) is on hold, pending the outcome of the criminal case.

Legghio has denied that Eminem ever pointed the unloaded 9 mm semi-automatic pistol at Guerra, or that his client used it in any assaultive manner, after Eminem allegedly saw his wife, Kimberly Scott Mathers, kissing Guerra. Leggio claims Guerra is only trying to hit the lottery by suing Eminem.

Guerra's lawyer, John J. Gaber, disagreed.

"Had the shoe been on the other foot, Mr. Leggio would be doing the same thing," Gaber said. "Let him turn down [plea bargain] offers and go to trial if he's so confident."

Gaber is disappointed that prosecutors have consulted neither him nor his client about a pending plea bargain for Eminem. "Apparently they don't care," he said. "It seems like it would only be fair to get some feedback."

Meanwhile, in neighboring Oakland County, Eminem awaits trial for an incident that occurred just hours before the alleged altercation in Warren. He is accused of carrying a concealed weapon and brandishing a firearm in public, during a confrontation with a backup member of Insane Clown Posse outside a Royal Oak, Michigan, car stereo shop June 3.

Prosecutors in that county have said they would not recommend time behind bars.